IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10117 of 2007(D)

RCP.112/2004 of PRL.M.C.,ERNAKULAM
.....

PETITIONER:

P.V.PAPPACHAN,AGED 45 YEARS,PROPRIETOR,
POPULAR HOTEL,NEAR GOVERNMENT HOSPITAL,ERNAKULAM.

BY ADV. SRI.T.I.DANIEL

RESPONDENT:

K.PADMANABHAN,AGED 46 YEARS,S/O.MADHAVAN
VYLOPPILLY HOUSE (HEMA NIVAS),PONOTH ROAD,KALOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
==========
W.P(C) NO.10117 OF 2007
==========
Dated this the 23rd day of March, 2007

J U D G M E N T

P.R.Raman, J.

The petitioner is a tenant, who is faced with an order of eviction passed under Section 11(2)(b), 11(3) and 11(8) of Kerala Building (Lease and Rent Control) Act. As against the order of eviction passed by the Rent Control Court, he has already preferred an appeal and pending. Since there was some arrears of rent due from the petitioner, stay application filed before the Appellate Authority was admittedly dismissed. But by Ext.P2 proceedings dated 19/2/2007, the Appellate Authority directed the petitioner to deposit the admitted arrears and the case is posted to 9/4/07. It was in the meantime that the Execution proceedings at the instance of landlord was proceeded with and the matter is posted to 27/3/2007. Aggrieved by such circumstances, the petitioner has come before this Court by filing this writ petition. In the view we are taking,it is not necessary to issue notice to the other side. Since by Ext.P2 proceedings, the

Appellate Authority has adjourned the appeal to 9/4/07 directing the petitioner herein to deposit the arrears of rent, it is open to the petitioner herein to make such deposit on or before the said date and seek necessary relief from the Appellate Authority regarding stay of Execution Proceedings. So as to enable the petitioner herein to deposit the arrears of rent and to work out his remedies as stated above, we direct that the Execution Proceedings in E.P.42/07 in RCP 112/04 on the file of Munsiff Court, Ernakulam be deferred till 10/4/07 and thereafter the matter will be governed by any orders that may be passed by the Appellate Authority.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp